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9 **UNITED STATES DISTRICT COURT**  
10 **DISTRICT OF NEVADA**  
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12 MARCIANITA ABUDA,

13 Plaintiff,

14 v.

15 CAL-WESTERN RECONVEYANCE  
16 CORPORATION, *et al.*,

17 Defendants.

Case No. 2:11-CV-01823-KJD-GWF

**ORDER**

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19 Before the Court is the Motion for Attorney's Fees (#60) of Counter Claimant Wells Fargo  
20 Bank, N.A. Plaintiff has filed an opposition and objection to Wells Fargo's bill of costs (##63, 64).  
21 Wells Fargo has filed a reply and response (##65, 66).

22 **I. Background**

23 On June 18, 2012, this Court issued an Order (#56) granting Wells Fargo's Motion for  
24 Summary Judgment. In that Order, the Court recounted the facts of this mortgage foreclosure case,  
25 including that Plaintiff recorded an Affidavit of Fact asserting that "[t]he monetary claims of  
26 approximately \$173,000 (existing first mortgage loan) plus any and all accrued interests, are hereby

1 deemed invalid, null, void and with no legal or lawful standing . . . .” The Affidavit of Fact recorded  
 2 by Plaintiff further states that “the lender is placed on official notice that failing to respond in twenty  
 3 (20) calendar days from the date herein shall result in the lender’s and its assigns, default and, thus,  
 4 shall be considered its acquiescence to the full Reconveyance of the subject property to Abuda.”  
 5 Additionally, the Abuda Affidavit purported to replace Cal-Western as Trustee with Sonia Rodis, a  
 6 stranger to Wells Fargo. On June 22, 2011, another party, Alex Soria, recorded a Deed of Full  
 7 Reconveyance, in which Soria, as “trustee,” purported to fully reconvey, free of all encumbrances,  
 8 legal title to the Property to Abuda.

## 9 II. Discussion

10 Fed. R. Civ. P. 54(d) requires an award of costs to a prevailing party and permits an award of  
 11 attorney’s fees to a prevailing party if provided for elsewhere by statute, rule, or contract. The award  
 12 of attorney’s fees is within the Court’s discretion. Glenbrook Homeowner’s Association Assn. v.  
 13 Glenbrook Co., 111 Nev. 909, 922 (1995), citing County of Clark v. Blanchard Const. Co., 98 Nev.  
 14 488, 492 (1982)). Plaintiff does not dispute the Court’s authority to impose fees in this case. Instead,  
 15 Plaintiff argues that the fees and costs are unreasonable since “this case was resolved shortly after the  
 16 inception of the case” and argues that, if the Court is inclined to award fees, it should reduce the  
 17 amount “given the fact that this matter was resolved with a Motion for Summary Judgment prior to  
 18 the commencement of any discovery.”

### 19 1. Fees

20 Many mortgage contracts contain a provision purporting to bind the borrower to pay  
 21 attorney’s fees in the event of a default. Generally, it has not been the practice of this Court, or other  
 22 courts in this district, to award attorney’s fees in mortgage foreclosure cases. However Plaintiff’s  
 23 behavior in this case warrants a departure from the normal practice. Specifically, Plaintiff baselessly  
 24 caused false and misleading documents to be recorded which purported to reconvey the property to  
 25 her. Plaintiff’s actions caused Wells Fargo to incur additional expense in the resolution of this  
 26 matter. However, considering the context of this case, the Court declines to award the entire amount

1 requested by Wells Fargo. Accordingly, the Court finds that an award of attorney's fees in the  
2 amount of \$5,000 is appropriate.

3 2. Costs

4 Plaintiff object to Wells Fargo's bill of costs because it includes fees for computerized  
5 research. Nevada law specifically permits recovery as costs of "necessary expenses for computerized  
6 services for legal research." N.R.S. § 18.020. Accordingly, Plaintiff's objection is denied and Wells  
7 Fargo is awarded costs of \$6,804.37.

8 III. Conclusion

9 **IT IS HEREBY ORDERED THAT** Counter Claimant Wells Fargo's Motion for Attorney's  
10 Fees (#60) is **GRANTED**.

11 **IT IS FURTHER ORDERED THAT** Plaintiff Marcianita Abuda is ordered to pay Counter  
12 Claimant Wells Fargo attorney's fees in the amount of \$5,000.

13 **IT IS FURTHER ORDERED THAT** Plaintiff Marcianita Abuda is ordered to pay Counter  
14 Claimant Wells Fargo costs in the amount of \$6,804.37.

15 DATED this 4th day of September 2012.

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19 Kent J. Dawson  
20 United States District Judge  
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